**DRUGS AND PRECURSORS CONTROL ACT**

**CHAPTER I COMMON PROVISIONS**

**Article 1**
This Act lays down provisions establishing:

1. the organisation, powers and assignments of the relevant authorities exercising control on the production, processing, trading, use, storage, import, export, transit, transfer, transport and reporting of drugs and precursors;
2. the measures against abuse of and illicit traffic in drugs and precursors;
3. the scientific research and expert work related to drugs and precursors.

**Article 2**
The purpose of this Act is to regulate social relations with regard to the control of drugs and precursors in accordance with the requirements of the international treaties to which the Republic of Bulgaria is a Party.

**Article 3**
1. This Act shall apply to:
   1. all plants and substances classified as narcotic drugs or psychotropic substances, and preparations thereof;
   2. all the substances used to produce narcotic drugs or psychotropic substances classified as precursors.
2. The names of drugs and precursors are listed in Schedules Nos. 1, 2, 3 and 4.

**Article 4**
1. Plants, drugs and precursors shall be included under their common international non-proprietary name or, failing this, under their code.
2. Preparations and analogues shall be subject to the same control measures as the narcotic drugs.
3. Preparations containing two or more drugs, subject to different control measures, shall be subject to the control measures applicable to the most strictly controlled drug.

**Article 5**
Preparations containing drugs and precursors listed in Schedules Nos. 2, 3 and 4 may be exempted from certain of the measures of control under the terms and conditions established by regulation of the Minister of Health, provided that:

1. preparations are compounded in such a way as to present no or a negligible risk of abuse;
2. the drug cannot be recovered from the preparation in a quantity that might give rise to abuse.

**Article 6**
The drugs listed in Schedules Nos. 2 and 3 and their preparations and analogues shall be subject to the provisions related to human and veterinary medicine to the extent that such provisions are not contrary to those laid down in this Act.

**Article 7**
The production, processing, transfer and transport, trading, import, export, transit and storage of drugs and precursors shall be prohibited to any person not expressly licensed for that purpose under the conditions set out in this Act.

**Article 8**
Illegally produced, processed, kept in stock, acquired, used, imported, retained, transferred and transported, imported, intended for export, re-export or transit drugs and precursors, as well as
cultivated plants containing drugs shall be seized in favour of the State under the conditions set out in this Act.

**Article 9**
For the issuance of licences under this Act, fees specified by the Council of Ministers shall be charged.

**CHAPTER II NATIONAL DRUG COUNCIL**

**Article 10**
1. A National Drug Council shall be created with the Council of Ministers as a body entitled to enforce the national policy of combating the abuse of drugs as well as against drug trafficking.
2. The National Drug Council shall carry out its activity according to Rules of Procedure to be adopted by the Council of Ministers.
3. The National Drug Council shall be a collective body consisting of a President, two Vice-presidents, a Secretary and members.
4. President of the Council shall be the Minister of Health, and its Vicepresidents shall be the Secretary-General of the Ministry of the Interior and a Deputy Minister of Justice and Legal European Integration. Members of the Council shall be representatives of the President of the Republic of Bulgaria, the Supreme Court of Cassation, the Supreme Administrative Court, the Supreme Cassation Prosecutor's Office, the special Investigation Service and the ministries and departments concerned, specified by the Council of Ministers.
5. According to the issues put on their agenda, the meetings of the Council may be attended by representatives of non-governmental and other organisations as well.

**Article 11**
The National Drug Council shall:
1. define and co-ordinate the national policy in the field of drugs and precursors through the adoption of a national strategy to combat the drug abuse and illicit traffic in drugs and precursors for a three-year period;
2. adopt national programmes to fight against the drug abuse and illicit traffic in drugs and precursors;
3. submit to the Minister for Finance a draft-budget for the enforcement of national policy in the said area;
4. submit to the Council of Ministers draft legislation relating to drugs and precursors;
5. give its opinion on draft instruments for conclusion of or accession to international treaties;
6. give its statement on the participation of the Republic of Bulgaria in international programmes aimed at combating the distribution, abuse of and illicit traffic in drugs and precursors, and shall control their enforcement;
7. nominate and endorse the national co-ordinators on international programmes and projects in the field of drugs.

**Article 12**
1. The President of the National Drug Council shall:
   1. represent the Council;
   2. chair the meetings and direct the overall work of the Council;
   3. submit for discussion to the Council of Ministers proposals and issues which fall within its exclusive competence;
   4. sign the minutes of the Council meetings;
   5. appoint the Secretary and Secretariat employees.
2. In the absence of the President, his functions shall be performed by a Vicepresident designated by him for that purpose.

**Article 13**
1. The Secretary of the National Drug Council shall:
1. organise the preparation of the Council meetings;
2. co-ordinate the implementation of the decisions taken at the meetings;
3. direct the work of the expert groups pursuant to Article 14;
4. co-ordinate the work of the councils pursuant to Article 15.

2. The Secretary of the Council shall be assisted by a Secretariat.

**Article 14**

1. The National Drug Council may establish expert groups in the fulfilment of its functions.
   An expert council shall be established with the National Drug Council to prepare scientific and medical assessment of each proposal for inclusion of new plants and substances, for their deletion or transfer from one Schedule to another.

**Article 15**

For the purpose of implementing the policy of the National Drug Council, councils for drugs at the municipal level shall be created whose functions and tasks shall be specified by the Rules on the Organisation and Activities of the National Drug Council.

**CHAPTER III CONTROL BODIES AND THEIR INTERACTION**

**Article 16**

1. The Ministry of Health shall exercise control on the production, processing, import, export, transit, trading, storage, reporting, transfer, transport and use of the plants and drugs listed in Schedules Nos. 1, 2 and 3 and preparations thereof.
2. The Ministry of Health shall exercise control on the performance of obligations deriving from international treaties to which the Republic of Bulgaria is a Party.
3. In order to carry out the control functions pursuant to paragraphs 1 and 2, a National Drug Service shall be created with the Ministry of Health whose constitution, functions and assignments are to be specified by regulation of the Minister of Health.

**Article 17**

Pharmacists-inspectors for drugs with the Regional Health Offices shall carry out the control within the national territory pursuant to Article 16. The co-ordination and methodological guidance of their activity will be entrusted to the National Drug Service.

**Article 18**

1. An Interdepartmental Precursor Control Commission shall be established with the Ministry of Trade and Tourism.
2. Chairman of the Interdepartmental Precursor Control Commission shall be the Minister of Trade and Tourism, and members shall be representatives of the Ministry of Industry, the Ministry of Health, the Ministry of Trade and Tourism, the Ministry of Finance, the Ministry of the Interior and the Ministry of Justice and the European Legal Integration.
3. The Interdepartmental Precursor Control Commission with the Ministry of Trade and Tourism shall exercise control over the production, processing, use in other industries, storage, trading, import, export, re-export and transit of the precursors listed in Schedule No. 4.
4. This Commission under paragraph 1 shall exercise control also on the compliance with the provisions of Article 12 of the United Nations’ Convention of 1988 Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

**Article 19**

Precursors control functions shall be assigned to the regional administrations, in addition to their current functions.

**Article 20**

The Ministry of the Interior, through its specialised services, shall prevent, detect and combat offences relating to illicit trafficking in drugs and precursors.
Article 21
The Ministry of Finance through the customs administration shall exercise control on the import, export and transit of drugs and precursors and carry out the activities for prevention and detection of their illicit trafficking.

Article 22
The Ministry of Agriculture, Forestry and Agrarian Reform shall exercise control on the compliance with the provision of Art. 29.

Article 23
When performing their duties, control bodies shall co-operate and exchange information through a national information system on drugs, under the terms and procedures laid down by the Council of Ministers.

Article 24
Natural and legal persons shall be required to provide at any time the free access of the control bodies to the records and premises where drugs and precursors are being produced, processed or stored.

Article 25
Natural and legal persons shall be required to exercise internal control on the activities they carry out in order to prevent thefts or depredation and diversion, by whatever means, of drugs and precursors for illicit purposes.

Article 26
Natural and legal persons shall be required to notify the control bodies of any suspicious transaction and endeavour for diversion of drugs and precursors for illicit purposes.

CHAPTER IV PROHIBITION OF THE PLANTS, SUBSTANCES AND PREPARATIONS LISTED IN SCHEDULE No. 1

Article 27
1. The seeding and cultivation within the territory of the Republic of Bulgaria of the opium poppy, the coca bush plants and those of the genus cannabis containing more than 0.2 per cent by weight of tetrahydrocannabinol shall be prohibited.
2. The owner or user of a plot of land for agricultural or other purposes shall be required to destroy any plants mentioned in paragraph 1 found growing there.
3. Illegally sowed opium poppy, coca bush plants, as well as those of the genus cannabis containing more than 0.2 per cent by weight of tetrahydrocannabinol shall be seized and destroyed under the terms and procedures specified in this Act.

Article 28
The production of opium and opium straw from opium poppies, and that of marijuana, hashish and cannabis resin from cannabis plants shall be prohibited.

Article 29
The cultivation, production of seeds, import and export of plants and seeds of the genus cannabis containing less than 0.2 per cent by weight of tetrahydrocannabinol, as well as the import and export of seeds of opium poppy shall be authorised under the terms and procedures laid down by the Minister for Agriculture, Forestry and Agrarian Reform.

Article 30
The production, processing, trading, storage, import, export, re-export, transit, transfer, transport, supply, acquisition, use and possession of the plants, drugs and preparations thereof listed in Schedule No. 1 shall be prohibited.

Article 31
The prohibition under Articles 27, 28 and 30 shall not apply to limited quantities provided in this Act for the purposes of medical or scientific research and teaching.
CHAPTER V CONTROL OF THE SUBSTANCES AND PREPARATIONS LISTED IN SCHEDULES Nos. 2, 3 AND 4
SECTION I LICENCES

Article 32
1. The production, processing, storage, trading within the national territory, import, export and transit, transfer and transport of drugs listed in Schedules Nos. 2 and 3 shall be carried out under licence for activities, buildings and premises issued by the Minister of Health under the terms and procedures specified by a regulation of the Council of Ministers.
2. The licence pursuant to paragraph 1 may be issued only if the use of the substances concerned is restricted to medical or veterinary-medical purposes.
3. A licence for medical purposes may be issued only to natural or legal persons which are licensed for production or wholesale trade under the Human Medicine Pharmaceuticals and Pharmacies Act.
4. The licence for veterinary-medical purposes shall be issued pursuant to paragraph 1 upon consultation with the Ministry of Agriculture, Forestry and Agrarian Reform.
5. A licence shall not be required for limited quantities of plants and substances used for purposes of medical or scientific research and teaching pursuant to Section V of Chapter VII.

Article 33
1. Dispensing of drugs listed in Schedules Nos. 2 and 3 and preparations thereof shall be carried out by pharmacies:
   1. being set up under the Human Medicine Pharmaceuticals and Pharmacies Act;
   2. having been granted by the Minister of Health a licence for retail sale and storage of drugs pursuant to Article 32, paragraph 1.
2. The Pharmaceutical Council with the Ministry of Health shall make proposals for the granting or withdrawal from any pharmacy of the licence mentioned in paragraph 1, sub-paragraph 2, under the terms and procedures specified by a regulation of the Minister of Health.

Article 34
The licences under Articles 32 and 33 shall be issued to individual traders having higher pharmaceutical education or to legal persons, in whose general management is engaged a pharmacist who is personally liable for the application of the measures provided for in this Act and in the said licence.

Article 35
1. The production, processing, storage and use in other industries, as well as the export, import, re-export, transit and domestic trading, transfer and transport of the substances listed in Schedule No. 4 shall be based on a licence issued by the Interdepartmental Precursor Control Commission with the Ministry of Trade and Tourism.
2. The organisation and activity of the Commission, and the terms and conditions for the issuance of licences shall be determined by the Council of Ministers.

Article 36
A licence pursuant to Article 35, paragraph 1, shall be issued to an individual trader having higher degree of education in chemistry or pharmaceutics or to a legal person in whose general management is engaged a chemist or a pharmacist who is personally liable for the performance of the measures provided for in this Act or in the said licence.

Article 37
1. A licence pursuant to the preceding articles shall be issued for a one-year period from the date of issue.
2. Three months before the expiry of the licence validity, its proprietor may submit an application for its resumption pursuant to Articles 32 and 35 to the authority having issued it.
3. If a person did not carry out the activities set out in the licence, the latter can not be repeated for a one-year period.

4. Any licence is personal and shall not be transferable.

**Article 38**

Special registers for the issued licences shall be kept with the public authorities pursuant to Articles 32 and 35.

**Article 39**

The licence shall indicate:

1. the name, seat and principal office of business of the licensee;
2. the type of activities and the term of the licence;
3. the address of the establishments, the type of premises where drugs and precursors are being produced, processed or stored, as well as the security requirements;
4. the list of drugs and preparations thereof;
5. the list of precursors;
6. the type of accounting;
7. the person liable for carrying out the obligations set out in the licence.

**Article 40**

Any change pursuant to Article 39 shall require an application to be submitted by the holder of the licence or a person authorised by him pursuant to Articles 32 and/or 35.

**Article 41**

Natural and legal persons being granted a licence pursuant to Articles 32 and 35, may acquire, transfer or distribute the drugs and precursors listed in Schedules Nos. 2, 3 and 4 only to persons holding a licence under this Act.

**Article 42**

1. Buildings and premises, where operations involving drugs and precursors listed in Schedules Nos. 2, 3 and 4 are carried out, may be sold or transferred only to natural and legal persons holding a licence under this Act.
2. The restrictive measure pursuant to paragraph 1 shall not apply in the event of terminating the operations; in such a case devolution of stocks available to the General Customs Administration shall take place under terms and conditions laid down by the Minister of Finance. The special registers shall be kept by the State authority that has issued the licence.

**Article 43**

1. The State authority having issued the licence may withdraw it in the following cases:
   1. in the event of violation of the requirements of this Act;
   2. in the case of non-compliance with the conditions laid down in the licence;
   3. when establishing untrue data indicated in the application;
   4. after having issued an order pursuant to Article 99, prohibiting such operations;
   5. when a preliminary inquiry has been instituted or a sentence for illicit trafficking in drugs and precursors has become enforceable;
   6. when another State has requested this in connection with a request for legal assistance in investigation, criminal proceedings or litigation versus the said person abroad.
2. The State authority decision to revoke the licence, together with its reasons, shall be taken without prejudice to the administrative sanctions incurred.
3. In the case of withdrawal of the licence or termination of its validity, devolution of stocks available to the General Customs Administration shall take place under terms and conditions laid down by the Minister of Finance. The special registers shall be kept by the State authority that has issued the licence.

**Article 44**

It shall be prohibited to issue a licence to a person who is an individual trader, managing director or member of a managing board:

1. where a preliminary inquiry has been instituted until the date of its termination;
2. where the person has been convicted, unless re-instated.

**SECTION II REQUIREMENTS APPLICABLE TO THE IMPORT, EXPORT AND TRANSIT OF DRUGS AND PRECURSORS**

**Article 46**

1. Only persons holding a licence pursuant to Articles 32 and 35 may carry out the import and export of drugs and precursors.
2. A licence shall not be required only in the event of import and export of limited quantities for purposes of medical and scientific research and teaching.

**Article 47**

1. All imports and exports of the drugs listed in Schedules Nos. 1, 2 and 3 shall be subject to separate authorisation for each consignment issued by the National Drug Service with the Ministry of Health under the terms and procedures laid down by the Minister.
2. All imports and exports of the precursors listed in Schedule No. 4 shall be subject for each consignment to separate authorisation issued by the Interdepartmental Precursor Control Commission with the Ministry of Trade and Tourism under the terms and procedures laid down by the Council of Ministers.
3. This authorisation shall be drawn up on a standard form approved by the Commission on Narcotic Drugs of the United Nations Economic and Social Council.
4. The authorisation pursuant to paragraphs 1, 2 and 3 is personal and shall not be transferable.
5. The validity of the authorisation shall be three months from the date of issue.

**Article 48**

Exports of the substances listed in Schedules Nos. 1, 2 and 3 and their preparations shall be subject to an import authorisation, issued by the competent authority of the importing country, as well.

**Article 49**

1. The transit through the national territory of the drugs listed in Schedules Nos. 1, 2 and 3 shall be prohibited, with the exception of consignments transported by air, provided that the aircraft does not land in the national territory, or by ships passing across the territorial sea of the Republic of Bulgaria provided that the ship does not anchor at a national port.
2. The transit of the precursors listed in Schedule No. 4 shall be subject to authorisation issued by the Interdepartmental Precursor Control Commission under the terms and procedures laid down by the Council of Ministers.
3. Commercial brokers shall be obliged to take the required measures in order to prevent the use of transport vehicles for illicit trafficking in plants, drugs and preparations listed in the Schedules to this Act.

**Article 50**

The export or import in the form of consignments to post-office boxes or to bank accounts of persons other than the holder of a licence under Article 47 shall be prohibited.

**Article 51**
Consignments, including those by mail, of drugs and precursors entering or leaving the national territory that are not accompanied by a proper authorisation pursuant to Article 47 shall be detained by the customs authorities until the legitimacy of the consignment is confirmed.

**Article 52**
The export and import of drugs and precursors through the free trade zones and the free trade warehouses shall be prohibited.

**Article 53**
The requirements of this Act regarding the import, export and transit of drugs and precursors shall apply to any customs regime.

**SECTION III RESTRICTING THE QUANTITIES OF DRUGS INTENDED FOR MEDICAL AND SCIENTIFIC PURPOSES**

**Article 54**
1. The Minister of Health shall approve yearly, before 31 May, the maximum quantities, needed for the purposes of medical and scientific research and teaching for the next year, of:
   1. narcotic drugs;
   2. psychotropic substances.
2. Before 30 April, manufacturers and traders holding a licence shall notify to the Ministry of Health the quantities of drugs listed in Schedules Nos. 2 and 3 and preparations thereof needed for the following calendar year, under the terms and procedures laid down by regulation of the Minister of Health.
3. The requirements under paragraph 2 shall apply as well to natural and legal persons holding an authorisation pursuant to Article 73 for operations involving drugs for the purposes of medical and scientific research and teaching.
4. The keeping in stock drugs and precursors in quantities exceeding those really needed for the purposes of production and trade shall not be allowed.

**SECTION IV REQUIREMENTS APPLICABLE TO THE TRADING, STORAGE, PRESCRIPTION, DISPENSING AND POSSESSION OF DRUGS**

**Article 55**
1. Only persons holding a licence pursuant to Article 32 may purchase, store and dispense the substances listed in Schedules Nos. 2 and 3 and preparations thereof.
2. The trading and storage of drugs and precursors from the special warehouses of the State Medical and War-time Repository of Ministry of the Interior and Ministry of Defence shall be carried out pursuant to paragraph 1.

**Article 56**
No licence shall be required for the purchase, storage and dispensing of substances listed in Schedules Nos. 2 and 3 by health establishments, where no pharmacy exists, in quantities needed for emergency aid, under terms and conditions specified by the Minister of Health.

**Article 57**
Any ship and aircraft registered in the national territory may carry minimal quantities of drugs for the provision of first aid in emergency cases under the terms and conditions specified by regulation of the Minister of Health.

**Article 58**
1. Individuals who are in transit and temporary residents in the national territory may carry drugs listed in Schedules Nos. 2 and 3 only for the purpose of medical treatment in quantities not exceeding those needed for a fifteen-day treatment regarding the substances from Schedule No. 2, and for a thirty-day treatment regarding the substances from Schedule No. 3.
2. In the cases set out in paragraph 1, foreign nationals shall hold a proper prescription or document issued by the competent authorities of the country where the said treatment has been prescribed.

Article 59

1. Bulgarian nationals and permanent or temporary foreign residents in this country travelling abroad may take in and out the drugs listed in Schedules Nos. 2 and 3 in quantities not exceeding those needed for a fifteen-day treatment.

2. In the cases set out in paragraph 1, such persons must be in possession of a document issued by the National Drug Service for the import and export of drugs.

Article 60

1. The drugs listed in Schedules Nos. 2 and 3 may only be prescribed in the form of pharmaceuticals under the terms and conditions laid down by regulation of the Minister of Health.

2. Prescriptions for narcotic drugs and psychotropic substances shall be written in special prescription sheets from a counterfoil subject to special reporting.

3. The modalities of prescription, printing and distribution of the said sheets, as well as of dispensing and reporting of the drugs shall be specified by regulation of the Minister of Health.

4. Only physicians and dentists having the required qualifications and registered under the conditions set out by the regulation pursuant to paragraph 3 may prescribe the drugs listed in Schedules Nos. 2 and 3.

SECTION V DOCUMENTATION AND REPORTING

Article 61

Any person carrying out production, processing, trading, import, export and storage of drugs and precursors shall be required to record each operation relating to the said activities.

Article 62

Special sheets and a register endorsed by the control bodies specified by this Act shall be used for the activities set out in Article 61.

Article 63

1. The way of keeping the register for the drugs listed in Schedules Nos. 2 and 3 and preparations thereof and the type of the special sheets shall be specified by regulation of the Minister of Health, while the way of keeping the register for the activities involving the substances listed in Schedule No. 4 shall be laid down by the Council of Ministers.

2. The registers shall be kept for ten years after the last pertinent entry for presentation, whenever requested, to the control bodies.

Article 64

Manufacturers and wholesalers shall be required to draw up a balance sheet for each quarter and at the end of each calendar year for the quantities of drugs and precursors obtained, supplied and available at the beginning and at the end of the said period.

Article 65

Within 15-day period after the end of each quarter, manufacturers shall be required to present to the National Drug Service with the Ministry of Health a report on the produced, processed, sold, imported, exported and available quantities of drugs listed in Schedules Nos. 2 and 3 and preparations thereof, while wholesalers shall be required to present such a report on the imported and exported quantities of drugs and preparations thereof.

Article 66

Manufacturers and wholesalers of drugs listed in Schedules Nos. 2 and 3 and preparations thereof shall be required to submit each year, before 28 February, to the National Drug Service with the
Ministry of Health a consolidated report regarding the activities and substances they have been licensed for.

**Article 67**

1. Wholesalers and manufacturers of precursors listed in Schedule No. 4 shall be required to draw up a report on the substances produced, processed and available, which shall be presented to the Interdepartmental Precursor Control Commission before 28 February.

2. The way of drawing up the report pursuant to paragraph 1 shall be laid down by the Council of Ministers.

**SECTION VI MARKING AND ADVERTISING**

**Article 68**

1. The consumer packaging of the drugs shall bear, along with the trade name, the name of the substances according to Schedules Nos. 2 and 3.

2. The packaging for narcotic drugs shall bear a diagonally stamped double red band, while that for psychotropic substances - a double blue band. The packaging shall indicate that drugs are to be used at a physician's prescription only.

3. The name on the packaging shall match the drugs therein.

4. The compulsory requisites of the packaging of the drugs listed in Schedules Nos. 2 and 3 and the preparations thereof shall be laid down by the Minister of Health.

5. Notices accompanying the packages shall not include non-existent properties of the substances pursuant to paragraph 4.

**Article 69**

The transfer and transport of drugs listed in Schedules Nos. 2 and 3 and preparations thereof, which do not comply with the requirements set out in Article 68, shall be prohibited.

**Article 70**

Any advertising of drugs listed in Schedules Nos. 1, 2 and 3 and preparations thereof that is aimed at the general public shall be prohibited.

**Article 71**

The supply to natural and legal persons, which do not have an appropriate licence, of free samples of drugs listed in Schedules Nos. 2 and 3 and preparations thereof shall be prohibited, except for the free samples intended for purposes of medical and scientific research and teaching.

**Article 72**

1. The containers for holding and transporting the precursors, as well as the notices accompanying them, shall bear, along with the trade name, their respective name according to Schedule No. 4.

2. The marking and notices pursuant to paragraph 1 shall match the type and composition of the substance held or transported.

**SECTION VII MEDICAL AND SCIENTIFIC RESEARCH AND TEACHING**

**Article 73**

1. For the purposes of medical and scientific research, scientific methods of investigation of offences, as well as for the purpose of teaching and maintaining in good working shape the dogs used for identifying drugs, the Ministry of Health may authorise natural and legal persons to produce, acquire, import, hold and apply limited quantities of the plants and drugs listed in Schedules Nos. 1, 2 and 3, as well as of preparations thereof.

2. The procedure of authorisation of the activities pursuant to paragraph 1 shall be laid down by the Minister of Health.

**Article 74**

Persons having received an authorisation pursuant to Article 73 shall be required to respect the requirements for prescribing, dispensing, storing and destroying plants and drugs listed in Schedules Nos. 2 and 3, as well as the documentation and reporting requirements.

**Article 75**
The use of drugs according to Article 73 shall be carried out under the terms and procedures specified by regulation of the Council of Ministers.

CHAPTER VI INTERNATIONAL CO-OPERATION

Article 76

1. The control bodies ensuring the implementation of this Act, according to their functions and assignments, shall carry out international co-operation with the relevant services exercising drug control, as well as control on the abuse of and illicit traffic in drugs.

2. The control bodies pursuant to paragraph 1 shall co-operate with respect to the control of and the illicit traffic in precursors as well.

Article 77

The Ministry of Health through the National Drug Service acting as a special administration for drug control shall, on behalf of the Bulgarian Government, shall draw up and furnish the International Drug Control Council with:

1. annual statistical reports on the produced, processed, sold within the territory of the country, held in stock, imported and exported quantities of drugs;

2. annual statistical reports on the quantities of plants and drugs subject to illicit trafficking having been seized and destroyed;

3. annual planned estimates of the quantities of drugs intended for medical and scientific purposes;

4. quarterly statistical reports on drug imports and exports.

Article 78

The Ministry of Trade and Tourism shall, on behalf of the Bulgarian Government, shall draw up and furnish the International Drug Control Council with annual report concerning the quantities of precursors used in licit industries and the amounts seized for illicit trafficking.

Article 79

The Ministry of Justice and Legal European Integration shall provide the international control organs with information covering:

1. the legislation relating to drug control, as well as to the control on the abuse of and illicit traffic in drugs;

2. the legal assistance provides in investigation, penal prosecution and judicial proceedings for offences relating to drugs and to the abuse of or illicit traffic in drugs;

3. the extradition of persons, who have committed offences, liable to extradition for such offences under international acts to which the Republic of Bulgaria is a Party.

4. implementing programmes for training of staff to fight the abuse of and illicit traffic in drugs.

Article 80

In its activity to reduce the demand for drugs, the National Addiction Centre shall co-operate with international organisations dealing with these matters.

Article 81

The Ministry of Finance through the General Customs Administration shall cooperate with the World Customs Organisation and its specialised agencies, with foreign customs administrations on the basis of multilateral and bilateral treaties to which the Republic of Bulgaria is a Party, as well as with other specialised international services.

Article 82

The Ministry of the Interior through its governing organs shall co-operate with the specialised international authorities dealing with drugs and with the relevant services of other countries.
Article 83

1. The ministries set out in the precedent articles shall draw up the Annual Report of the Government of the Republic of Bulgaria concerning the enforcement of international treaties and national legislation relating to drugs.

2. The Council of Ministers, on a proposal from the National Drug Council, shall endorse and forward the Annual Report under paragraph 1 to the Secretary-General of the United Nations within the time limits as specified by the latter.

CHAPTER VII TREATMENT, PREVENTION AND REHABILITATION OF PERSONS DEPENDING ON OR ABUSING OF NARCOTIC DRUGS

Article 84

1. The Ministry of Health, the Ministry of Education and Science, the Ministry of Labour and Social Policy, the Ministry of Defence and the Committee for Youth, Physical Education and Sports shall provide for, draw up, plan and carry out programmes for preventing the abuse of narcotic drugs, as well as for treatment, reducing health damage and rehabilitation of individuals abusing of or depending on narcotic drugs, on the basis of the National Strategy pursuant to Article 11, sub-paragraph 1 of this Act.

2. In carrying out the programmes pursuant to Article 1, private and/or non-governmental organisations may be engaged as well.

3. The said programmes shall be carried out at the national and local levels.

Article 85

1. Any Bulgarian national shall be entitled to have free access to all State programmes for reducing the demand for narcotic drugs, as well as to prevention, treatment and rehabilitation in case of dependence on or abuse of narcotic drugs.

2. In order to enhance the efficiency of the planning, implementation and evaluation of the programmes pursuant to the precedent articles, a uniform system for collecting, processing, analysis and circulation of information shall be created with the Ministry of Health.

Article 86

1. The co-ordination and the methodological guidance of the activities aiming at prevention of the abuse of narcotic drugs, treatment, reducing health damage and rehabilitation of individuals abusing of or depending on narcotic drugs, as well as the specialised control on the treatment shall be carried out by the National Addiction Centre with the Ministry of Health.

2. The functions, tasks and constitution of the National Addiction Centre shall be specified by regulation of the Council of Ministers.

Article 87

Substituting and supporting programmes for reducing health damage may be carried out under the terms and procedures laid down by regulation of the Minister of Health.

Article 88

1. The treatment of individuals abusing of or depending on drugs shall be founded on the principles of anonymity and confidentiality, information being communicated to individuals or services only in the cases provided for in a separate law.

2. Treatment shall be voluntary as well in the cases of serving sentences, provided for in the Criminal Code.

3. The treatment pursuant to paragraph 2 shall be carried out in specialised health establishments with the respective prisons.

4. Individual or collective treatment of minors depending on or abusing of drugs shall be carried out with compulsory parental or tutelary consent or with such of the institutions as provided for in a separate law.

Article 89

Pre-treatment and rehabilitation programmes may involve also individuals who have been depending on or abusing of drugs under the following conditions:
1. have not used drugs at least for two years; and
2. have completed a special training under a programme approved by the Minister of Health.

CHAPTER VIII SEIZING, CONFISCATION AND DESTRUCTION OF DRUGS AND PRECURSORS

Article 90
1. The specialised bodies of the Ministry of the Interior and customs authorities shall seize any plants listed in Schedule No. 1 which are illicitly cultivated, and any drugs or precursors listed in Schedules Nos. 1, 2, 3 and 4 which are illicitly produced, processed, acquired, stored, used, imported or designated for export.
2. A representative sample shall be taken from each substance or plant over 1 kg by the specialised laboratories of the bodies pursuant to paragraph 1 under the terms and procedures laid down by the Council of Ministers.
3. The research institutes and laboratories at the Ministry of the Interior, the General Customs Administration and the Ministry of Health shall be entitled to conduct expert tests of seized drugs and precursors under terms and conditions laid down with a regulation of the Council of Ministers.

Article 91
Seized drugs, plants and representative samples thereof shall be transferred in order to be kept in stock to the General Customs Administration with the Ministry of Finance upon expert testing in conformity with the provisions of the Code of Criminal Procedure.

Article 92
1. Drugs and plants shall be destroyed after receiving the findings from the completed physical and chemical expert testing.
2. The representative samples and drugs up to 1 kg shall be kept in stock until the entry into force of the sentence or the expiry of the statutes of limitation of the criminal prosecution and thereafter shall be destroyed.

Article 93
1. All illicitly cultivated opium poppy, coca bush plants and genus cannabis containing more than 0.2 per cent by weight of tetrahydrocannabinol shall be subject to destruction.
2. The destruction of the plants under paragraph 1 shall be effected on the spot upon the completion of the physical and chemical expert testing and the taking of a representative sample thereof.
3. The representative sample shall be submitted for keeping in stock under the procedure set out in Article 91.

Article 94
Minimal quantities of the drugs subject to destruction may be provided for educational purposes and the maintenance of the good working shape of dogs detecting drugs under terms and conditions laid down with a regulation of the Council of Ministers.

Article 95
1. The destruction of plants, drugs, preparations thereof and representative samples shall be effected under the terms and procedures laid down by the Council of Ministers.
2. The destruction shall be carried out by a commission upon a ruling of the respective district prosecutor.
3. Members of the commission shall be representatives of the special Investigation Service, the General Customs Administration, the National Drug Service, the National Service for Combatting Organised Crime and the National Service for Fire and Emergency Safety.

Article 96
Judicial authorities having given sentences in respect of offences relating to drugs shall send a copy of them to the General Customs Administration within a month after the date of enforceability of the sentence.

Article 97
Licitly produced, acquired and stored drugs and preparations thereof which have become unsuitable for use shall be destroyed under the terms and procedures as specified by the Minister of Health.

**Article 98**

1. Seized quantities of precursors over 1 kg shall be transferred to the Interdepartmental Precursor Control Commission with the Ministry of Trade and Tourism for disposal therewith under the terms and procedures as specified by the Minister of Trade and Tourism.

2. The representative samples of the seized quantities of precursors and the seized quantities of precursors up to 1 kg shall be transferred in order to be kept in stock to the General Customs Administration with the Ministry of Finance after effecting expert testing in conformity with the provisions of the Code of Criminal Procedure.

3. The representative samples and the seized quantities of precursors up to 1 kg shall be kept in stock until the date of enforceability of the sentence or the expiry of the statutes of limitation of the prosecution and thereafter shall be destroyed.

**CHAPTER IX**

**ADMINISTRATIVE PENALTY PROVISIONS**

**Article 99**

1. The Minister of Health shall issue an order to prohibit activities relating to drugs in view of preventing and discontinuing any violations constituting a threat to society and connected with the fulfilment of the obligations under this Act or the international drug conventions.

2. The order under paragraph 1 shall be promulgated in The State Gazette and the international control bodies shall be advised thereof.

**Article 100**

1. Measures of administrative coercion may be appealed in pursuance of the provisions of the Administrative Procedures Act.

2. Appeals shall not stay the implementation of the measures, unless ruled otherwise by the authority imposing the measures.

**Article 101**

Whoever sows, cultivates, imports or exports plants or seeds of the genus cannabis, containing less than 0.2 per cent by weight of tetrahydrocannabinol, without authorisation, shall be liable to a fine ranging between BGL 1,000,000 and 100,000,000.

**Article 102**

Whoever does not respect the requirement set out in Article 60, paragraph 2, shall be liable to a fine of BGL 5,000,000.

**Article 103**

Whoever does not respect the requirements for documentation and reporting set out in Section V of Chapter V of this Act, shall be liable to a fine ranging between BGL 1,000,000 and 10,000,000.

**Article 104**

Whoever does not respect the requirements for marking drugs, preparations thereof and precursors, shall be liable to a fine ranging between BGL 1,000,000 and 50,000,000.

**Article 105**

Whoever fails to provide access of the control bodies to the records and premises where drugs and precursors are being produced or stored, shall be liable to a fine ranging between BGL 1,000,000 and 10,000,000.

**Article 106**

Whoever fails to respect the requirements of Articles 25 and 26 shall be liable to a fine ranging between BGL 1,000,000 and 10,000,000.

**Article 107**
Whoever fails to advise control bodies of the availability of drugs or preparations thereof having become unsuitable for use, shall be liable to a fine ranging between BGL 1,000,000 and 10,000,000.

**Article 108**

Whoever fails to respect the requirements of Article 70, shall be liable to a fine ranging between BGL 1,000,000 and 50,000,000, unless the action constitutes an offence.

**Article 109**

Where the violations pursuant to the preceding articles are committed by legal persons, the latter shall be liable to property sanctions ranging between BGL 10,000,000 and 150,000,000.

**Article 110**

1. Violations shall be established on the basis of statements drawn up by the control bodies under Chapter III.
2. Penalty orders shall be issued by the respective Minister or a person authorised by him or by the Chairman of the Interdepartmental Precursor Control Commission.
3. The establishment of violations and the issuance, appeal and enforcement of penalty orders shall be carried out under the procedures laid down by the Administrative Violations and Penalties Act.

**ADDITIONAL PROVISION**

§ 1.

For the purposes of this Act:

1. “Cannabis plant” means any plant of the genus Cannabis;
2. “Cannabis (marijuana)” means the flowering or fruiting tops of the cannabis plant, where the resin has not been extracted, whatever is their usage;
3. “Cannabis resin (hashish)” means the separated resin, whether crude or purified, obtained from the cannabis plant;
4. “Opium poppy” means the plant of the species *Papaver somniferum L*;
5. “Opium” means the coagulated juice of the opium poppy.
6. “Poppy straw” means all parts (except the seeds) of the opium poppy, after mowing.
7. “Coca bush” means the bush of any species of the genus *Erythroxylum*;
8. “Coca leaves” means the leaves of the coca bush;
10. “Psychotropic substance” means any substance, natural or synthetic, or any natural material, listed in Schedules I, II, III and IV of the Convention on Psychotropic Substances of 1971;
11. “Drug” means any narcotic drug and psychotropic substance listed in Schedules Nos. 1, 2 and 3 to this Act. Any other natural or synthetic substance listed in Schedules Nos. 1, 2 and 3 to this Act which may cause a dependence on it or either stimulating or depressive effect on the central nervous system causing hallucinations or disturbances of the motor function, frame of mind, behaviour, perception or temper, as well as other harmful effects on the human organism shall also be construed to be a drug;
12. “Preparation” means a solution or mixture in any physical form containing one or more drugs in therapeutical or non-therapeutical dosage;
"Abuse of drugs" means the use of prohibited drugs or use without prescription from a physician of drugs and preparations thereof placed under control;

"Precursor" means any substance listed in Schedules I and II of the United Nations Convention of 1988 Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Any other substance listed in Schedule No. 4 to this Act shall also be construed to be a precursor;

"Production" means any activity from which drugs and precursors may be obtained;

"Illicit traffic" means any illicit activity or acts relating to plants containing drugs, drugs and precursors;

"Analogue" means any substance which is not listed in the Schedules to this Act but having a chemical structure matching that of a drug and causing similar effect on the human organism;

"Representative sample" means a quantity of seized plant, drug or precursor which, while tested, may provide an objective and full assessment of the whole quantity of the seized plant, drug or precursor and which covers all their varieties in terms of appearance, physical condition and type of packaging;

"Free sample" means any part of a plant, drug or precursor of no commercial value, taken in a way that makes it representative of a bigger quantity of material.

"Substituting and supporting programme (therapy)" means a long-term treatment involving licitly produced or imported preparations (opium agonists or agonist-antagonists) with a view to correcting somatic, mental and behavioural disturbances occurred as a result of durable abuse of drugs, under the terms and procedures laid down by the Minister of Health.

"Transfer" means an operation performed within the territory of the country or across its borders, while using vehicles, animal draught, human effort or mail parcel.

"Transport" means a type of transfer, involving road, rail, water or air transport.

TRANSITIONAL AND FINAL PROVISIONS

§ 2.

In the Human Medicine Pharmaceuticals and Pharmacies Act (promulgated State Gazette, issue 36 of 1995; issue 61 of 1996 - Decision No. 10 of the Constitutional Court of 1996; amended, No. 38 of 1998), the following amendments and supplements shall be made:

1. The following amendments shall be made to Article 11:
   1. Paragraph 3, sub-paragraph 6 shall be repealed;
   2. A new paragraph 4 with the following wording shall be inserted:
      "(4) For the production of drugs and pharmaceuticals containing such substances, the requirements of the Drugs and Precursors Control Act shall be respected as well."
   2. In Article 54, a new paragraph 3 with the following wording shall be inserted:
      "(3) For the wholesale trade in drugs, as well as in pharmaceuticals containing such substances, the requirements of the Drugs and Precursors Control Act shall be respected as well."
   3. Sub-paragraph 7 of Article 56 shall be repealed.
   4. In Article 74, new paragraphs 4 and 5 with the following wording shall be inserted:
      "(4) For activities involving pharmaceuticals containing drugs, the requirements of the Drugs and Precursors Control Act shall be respected as well."
1. For setting up a pharmacy where medicines containing drugs will be dispensed and sold, the requirements of the Drugs and Precursors Control Act shall be respected as well.

5. In Article 83, a new paragraph 5 with the following wording shall be inserted: "(5) The import and export of drugs and pharmaceuticals containing them shall be carried out under the terms and procedures specified in the Drugs and Precursors Control Act."

6. Count 14 of # 1 of the Additional Provisions shall be repealed.

§ 3.

§ 4.
In the Ministry of the Interior Act (promulgated State Gazette issue 122 of 1997, issue 29 of 1998 - Decision No. 3 of the Constitutional Court of 1998; as amended, issues 70,73 and 153 of 1998), the words "drugs and psychotropic substances", wherever used, shall be replaced by the word "drugs".

§ 5.
In the Customs Act (promulgated State Gazette issue 15 of 1988, as amended, issues Nos. 89 and 153 of 1998), the following amendments and supplements shall be made:

1. In Article 201, paragraph 2, the words "drugs and psychotropic substances" shall be replaced by the word "drugs".

2. In Article 229, paragraph 3, the words "Article 83 of the Public Health Act" shall be replaced by the words "Drugs and Precursors Control Act".

3. In the Additional Provision the following amendments shall be made:

   1. a new count 21 with the following wording shall be inserted: "21. Controlled delivery" means the technique of allowing illicit or suspected as such consignments of narcotic drugs, psychotropic substances and precursors and their analogues or substances substituted for them, to pass out of, through or into the territory of one or more countries, with the knowledge and under the supervision of their competent authorities, with a view to identifying persons involved in illicit trafficking."

   2. the current counts 21 and 22 shall be numbered 22 and 23 respectively.

§ 6.
1. Within a month after the entry into force of this Act, a commission comprising representatives of the Ministry of Health through the National Drug Service, the Ministry of Finance through the General Customs Administration, the Ministry of the
Interior through the National Service for Combating Organised Crime and the Research institute for Criminology and Criminal Studies, the Sofia City Prosecutor's Office and the Sofia Investigation Service shall take representative samples of all drugs weighing over 1 kg, which are kept as exhibits in pending criminal proceedings and afterwards the remaining quantities shall be destroyed in pursuance of the provisions of this Act.

2. The representative samples taken under paragraph 1, the quantities of drugs weighing below 1 kg and the documentation related to their storage shall be submitted by the National Drug Service to the General Customs Administration.

§ 7.
This Act shall enter into force six months after its promulgation in the State Gazette.

§ 8.
1. Within one month after the promulgation of this Act, the Council of Ministers shall adopt regulations for its implementation.
2. The Minister of Health, the Minister for Agriculture, Forestry and Agrarian Reform and the Minister of Finance shall issue the regulations for the implementation of this Act within the period pursuant to paragraph 1.

§ 9.
The application of this Act shall be assigned to the Council of Ministers.

This Act was passed by the 38th National Assembly on 19 March 1999 and the official seal of the National Assembly was affixed thereto.

President of the National Assembly: Yordan Sokolov

SCHEDULE 1 PLANTS AND SUBSTANCES PRESENTING HIGH DEGREE OF RISK TO PUBLIC HEALTH, DUE TO THE HARMFUL EFFECT OF THEIR ABUSE, PROHIBITED FOR APPLICATION IN HUMAN AND VETERINARY MEDICINE

Alpha-methylfentanyl
Alpha-methyl-thio-fentanyl
Amphetamine
Acetyl-alpha-methylfentanyl
Acetorphine
Beta-hydroxy-methyl-3-fentanyl
Beta-hydroxyfentanyl
Brolamphetamine
Dexamphetamine
Delta-9-tetrahydrocannabinol and its stereochemical isomers
DET
Desomorphine
DMA
DMHP
DMT
DOET
Ethylamphetamine (N-ethylamphetamine)
Eticyclidine
Etorphine
Etriptamine
Cathinone
Ketobemidone
Coca (bush)
Cannabis (marijuana)
Concentrate of poppy straw
Coca (leaf)
Levamphetamine
Levomethamphetamine
(+)-Lysergide
Poppy straw
MDMA
Mesocarb
Mescaline
Methamphetamine
Methyl-4 aminorex
Methyl-3-thio-fentanyl
Methyl-3-fentanyl
Metcathinone
MMDA
MPPP
N-ethyl MDA
N-hydroxy MDA
Opium poppy
Opium
Para-fluorofentanyl
Parahexyl
PEPAP
PMA
Psilocybine
Psilocine (psilotsin)
Racemat of methamphetamine
Rolicyclidine
Cannabis resin
STP (DOM)
Tenamphetamine
Tenocyclidine
Tetrahydrocannabinol
Thiofentanyl
TMA
Fenetylline
Heroin
and the isomers, esters, ethers